

REMARKS

Claims 1-74 are pending in the application.

Claims 16-33 and 57-74 have been withdrawn from consideration.

Claims 1-15 and 34-56 have been rejected.

Reconsideration of the Claims is respectfully requested.

1. Rejection under 35 U.S.C. Section 102

Claims 1-3, 10-14, 42-44 and 51-55 were rejected under 35 USC 102(e) as being anticipated by U.S. Patent No. 6,202,210, to Ludtke ("Ludtke").

Ludtke relates to "a solution which leverages the intelligence of the latest home devices for the purposes of data collection and retrieval." (Ludtke 2:31-33). Ludtke recites a "monitor program [that] uses the communications capabilities of IEEE 1394 to examine the data streams of information flowing between the devices of the home network in order to monitor the identifier tags included in the data streams. The monitor is able to determine an identity of the broadcast data stream using the identifier tag, and transmit the identity of the broadcast data stream to an external monitor via the up-stream communications link." (Ludtke 2:66-67 to 3:1-7).

With data collection, the device of Ludtke stores the "information obtained from the identifier tags . . . in a history file and cataloged such that the history file reflects the activity of the home AV network over the period of monitoring." (Ludtke 3:12-15).

Applicant respectfully submits that information collection device of Ludtke does not interpret segments of the stream of data to identify data of the channel of interest, interpret the data of the channel of interest to determine a data type, nor processes the data of the channel of interest based on the data type. Ludtke instead recites to data identification tag monitoring, collection and reporting.

In contrast to Ludtke, Applicant's Independent Claim 1 recites, *inter alia*, a "method for isolating a channel of interest from a set of channels from a plurality of multimedia sources that include a video network and a local media player, in a multimedia system

that includes a multimedia server that is coupled to the plurality of multimedia sources, wherein at least one of the set of channels includes data from the local media player, the method comprises: receiving the *set of channels as a stream of data* via a communication path from the multimedia server; *interpreting segments of the stream of data to identify data of the channel of interest*; *interpreting the data of the channel of interest to determine type of the data*; *processing the data of the channel of interest based on the type of data to produce processed data*; and providing the processed data for display.” (emphasis added).

Also, Applicant’s Independent Claim 42 recites, *inter alia*, a “apparatus for isolating a channel of interest from a set of channels from a plurality of media sources including a media network, a local media player and the Internet, in a multimedia system that includes a multimedia server that is coupled to the plurality of media sources, the apparatus comprises: . . . wherein the memory includes operational instructions that cause the processing module to: receive the *set of channels as a stream of data* as a stream of data from the multimedia server via a communication path; *interpret segments of the stream of data to identify data of the channel of interest*; *interpret the data of the channel of interest to determine type of the data*; *process the data of the channel of interest based on the type of data to produce processed data*; and provide the processed data for display.” (emphasis added).

Applicant respectfully submits that Applicant’s claims are not anticipated because each and every element as set forth in Independent Claims 1 and 42 is not found in the data identification tag monitoring, collection and reporting device of Ludtke, nor is the identical invention shown in as complete detail as is contained in Applicant’s claims. Further, Applicant respectfully submits that those claims that depend directly or indirectly to either of Independent Claim 1 and Independent Claim 42 are similarly not anticipated.

2. Rejection under 35 U.S.C. Section 103

Claims 4-5 and 45-46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke in view of U.S. Patent No. 6,311,204, to Mills ("Mills").

Claims 6-7 and 47-48 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke and Mills as applied to claim 4 above, and further in view of U.S. Patent No. 6,901,153, to Leone ("Leone")..

Claims 8-9 and 49-50 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke as applied to claims 3 and 44 above, and further in view of U.S. Patent No. 6,295,319, to Sueyoshi ("Sueyoshi").

Claims 15 and 56 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke in view of U.S. Patent No. 5,995,709, to Tsuge ("Tsuge").

Claims 34-39 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,708,961, to Hylton ("Hylton"), in view of U.S. Published App. No. 2002/0104099 to Novak ("Novak")..

Claims 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton and Novak, in view of U.S. Patent No. 7,068,677, to Arai ("Arai").

Claim 41 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton and Hamlin, in view of Leone.

Claims 4-9 and 15 depend directly or indirectly from Independent Claim 1. Claims 45-50 and 56 depend directly or indirectly from Independent Claim 42. Because Ludtke is respectfully submitted as not providing a basis for anticipation as set out above, Applicant respectfully submits that a *prima facie* showing of obviousness has not been established. – the hypothetical combination of Ludtke with Mills, Sueyoshi, Tsuge and/or Leone does not teach or suggest all the claim limitations as set out in these dependent claims..

With respect to Applicant's Independent Claim 34, the proposed combination of Hylton with Novak is cited.

Hylton relates to "wireless distribution to a plurality of terminal devices from a common transmitter." (Hylton 2:59-62). Hylton does not recite, *inter alia*, a bi-

directional communication medium. As noted above, Hamlin is a frequency band device, not a stream of data device.

Novak relates to “a system and method to allow presentation of media objects to an end user at a client terminal, such as a television set.” (Novak ¶ 0010). Novak recites that a “media program can . . . be provided to the end user via a synthetic channel, which can be tuned to or selected by the end user as if tuning to a conventional television broadcast channel.” (Novak ¶ 0010).

Novak recites data inclusion in a data stream, in that a “local studio 106 can insert additional programming into the received transmission, for example, to provide cable content that includes locally provided channels. The programming is then distributed to customers over the cable network 134. Figure 1 of Novak is recited as “an interactive video casting system”

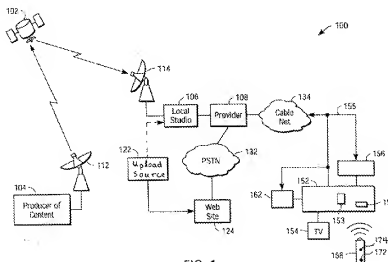


FIG. 1

Novak recites that “the local studio 106 can insert additional programming into the received transmission, for example, to provide cable content that includes locally provided channels. The programming is then distributed to customers over the cable network 134. In addition to local program insertion, the local studio 106, the cable service provider 108, or other party can insert Internet-related data into the received television transmission, or allocate specific channels for Internet-related traffic. In this

manner, cable subscribers are able to access and use the Internet via their television set 154, in a manner that allows them to obtain information from the Internet along with television programming.” (Novak ¶ 0033).

Novak is respectfully submitted as not reciting a client module that includes a network interface controller that receives encoded channel data that represents a set of channels via a communication path from a multimedia server, where the network interface controller extracts data relating to a channel of interest from the encoded channel data. Further, Novak recites the insertion information, not via encoded channel data that represents a set of channels.

Applicant’s Independent Claim 34 recites, *inter alia*, a “client module for use in a multimedia system that includes a multimedia server that is coupled to a plurality of multimedia sources including a video network and the Internet, the client module comprises: *network interface controller* operably coupled to receive encoded channel data that represents a set of channels via a communication path from the multimedia server, the set of channels *including at least one channel for providing a user with bidirectional access to the Internet*, wherein the network interface controller *extracts data relating to a channel of interest from the encoded channel data*; video decoder operably coupled to decode the data relating to the channel of interest to produce decoded video data; memory operably coupled to store the decoded video data; and rendering module operably coupled to retrieve the decoded video data from the memory and to render video images from the decoded video data.” (emphasis added).

With respect to the remaining references, Applicant respectfully submits that its Application is improperly used as the motivation for the use of the references, as they are cited as piecing together elements found within Applicant’s own disclosure. The Federal Circuit has noted that “an examiner may often find every element of a claimed invention in the prior art. If identification of each claimed element in the prior art were sufficient to negate patentability, very few patents would ever issue. Furthermore, rejecting patents solely by finding prior art corollaries for the claimed elements would permit an examiner to use the claimed invention itself as a blueprint for piecing together elements in the prior

art to defeat the patentability of the claimed invention. Such an approach would be ‘an illogical and inappropriate process by which to determine patentability.’” *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998); *see also In re Translogic Technology, Inc.*, 504 F.3d 1249 (Fed. Cir. Oct. 12, 2007) (post-*KSR* opinion referring to *In re Rouffet*).

For example, Mills relates to “video, audio, graphics, input/output and other processing functions in set top box applications.” (Mills 1:25-28). Mills was cited as providing reference to YUV signaling.

Also, Leone relates to “a software/hardware hybrid decoder that takes advantage of processing capabilities of graphics coprocessors to perform the motion compensation portion of video decoding.” (Leone 1:36-40). Leone, and Sueyoshi were each cited as providing signal processing, or decoding, capabilities.

Further, Tsuge relates to “an MPEG decoder which receives a data stream including MPEG-coded data which contains closed caption (CC) data in a user data area as character codes or in a picture data area . . . [to] display the CC and its application to an optical disc player . . .” (Tsuge 1:6-14). Tsuge was cited against Applicant’s dependent claims 15 and 56 as reciting NRZ decoding. (Office Action at page 7).

Also, the Office Action as understood relies on the term “same field of endeavor” for proffering a *prima facie* showing of obviousness. (*see, e.g.*, Office Action at 5). Applicant respectfully submits that the requisite findings for such a basis have not been articulated. MPEP 2143 at page 2100-136 (Rev. 6, Sept. 2007) (“If any of these findings [for same field of endeavor analysis] cannot be made, then this rationale cannot be used to support a conclusion that the claim would have been obvious to one of ordinary skill in the art.”). In sum, the findings still appear to stem from using Applicant’s specification as a blueprint for the cited references.

Applicant respectfully submits that there has not been a *prima facie* showing that substantiates the rejection of Applicant’s claimed invention. There is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the cited references of the hypothetical

combination of the transmission device of Hylton with data insertion of Novak to achieve Applicant's claimed invention as set out in Independent Claim 34, and to those claims that depend directly or indirectly therefrom.

Further, Applicant respectfully submits that the proposed combinations do not teach or suggest all the claim limitations as set forth by the language of Applicant's claimed invention as set forth above.

3. Conclusion

As a result of the foregoing, the Applicant respectfully submits that Claims 1-15 and 34-56 in the Application are in condition for allowance, and respectfully requests allowance of such Claims.

If any issues arise, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at ksmith@texaspatents.com.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Garlick Harrison & Markison Deposit Account No. 50-2126.

Respectfully submitted,

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